

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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CAYUGA MEDICAL CENTER AT ITHACA,  
INC.,

Plaintiff,

vs.

5:06-CV-1514 (NAM/DEP)

HORIZON MENTAL HEALTH MANAGEMENT,  
INC.,

Defendant.

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APPEARANCES:

OF COUNSEL:

Miller, Mayer Law Firm  
202 East State Street  
7<sup>th</sup> Floor  
Ithaca, New York 14850  
and

John M. Hinchcliff, Esq.

Bond, Schoeneck Law Firm  
One Lincoln Center  
Syracuse, New York 13202-1355  
*Attorneys for Plaintiff*

Jonathan B. Fellows, Esq.

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298 Main Street  
1000 Cathedral Place  
Buffalo, New York 14202-4096  
*Attorney for Defendant*

Stephen M. O'Neill, Esq.

**Hon. Norman A. Mordue, Chief U.S. District Judge**

**JUDGMENT DISMISSING ACTION BASED UPON SETTLEMENT**

I have been informed by Magistrate Judge David E. Peebles that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is hereby,

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated.

IT IS SO ORDERED

Date: February 25, 2008

  
Norman A. Mordue  
Chief United States District Court Judge